

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REGINALD T. GILBERTBEY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 05-69E
v.)	
)	Judge Sean J. McLaughlin
UNITED STATES OF AMERICA, et al.,)	Magistrate Judge Susan Paradise Baxter
)	
Defendants.)	<i>Electronically Filed</i>

**DEFENDANTS' MOTION TO EXTEND TIME FOR FILING
A RESPONSIVE PLEADING AND/OR DISPOSITIVE MOTION**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, defendants the United States of America, Department of Justice, Federal Bureau of Prisons, and FCI McKean, by their undersigned counsel, hereby file this Motion to Extend Time for Filing a Responsive Pleading and/or Dispositive Motion, and in support thereof state as follows:

1. On March 1, 2005, plaintiff Reginald T. Gilbertbey filed a civil action.
2. On August 3, 2005, plaintiff filed an amended complaint.
3. As of this date, plaintiff has failed to serve the U.S. Attorney's Office for the Western District of Pennsylvania with either a Complaint or Summons. Indeed, while the docket reflects that service on the U.S. Attorney has been executed, the actual green card indicates that only the Department of Justice in Washington, D.C. has been served. See Docket No. 22.
4. The undersigned counsel asks for an extension of sixty (60) days to allow the *pro se* plaintiff to perfect service upon the U.S. Attorney's Office and for Defendants to file a responsive pleading and/or dispositive motion.

5. Plaintiff is a *pro se* inmate and, as a result, has not been contacted regarding his consent or opposition to this motion.

WHEREFORE, defendants the United States of America, Department of Justice, Federal Bureau of Prisons, and FCI McKean respectfully request that the Court grant their motion and issue an Order extending by sixty (60) days, or until June 27, 2006, the time in which defendants may file their responsive pleading and/or dispositive motion to plaintiff's Amended Complaint.

A proposed order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

/s/Jessica Lieber Smolar
JESSICA LIEBER SMOLAR
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PA ID No. 65406

Counsel for defendants

Dated: April 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2006, a true and correct copy of the foregoing Defendants' Motion to Extend Time for Filing a Responsive Pleading and/or Dispositive Motion was served by first-class U.S. mail, to the following:

Reginald T. Gilbertbey
Reg. No. 03854-078
U.S. Penitentiary, Allenwood
P.O. Box 3500
White Deer, PA 17887

/s/Jessica Lieber Smolar
JESSICA LIEBER SMOLAR
Assistant U.S. Attorney